
CRIME IN AMERICA

The Federal Government's Responsibility to Help Fight Crime in Our Communities

The Crime Control and Prevention Act of 2007

A Report by Senator Joseph R. Biden, Jr.
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I. INTRODUCTION

Violent crime in America is rising. In fact, the recent UCR numbers released by the FBI showed the first two year increase since the passage of the 1994 Crime Bill. Last year, murder rates increased by the biggest percentage in 15 years and they rose again this year. Nevertheless, the Bush Administration has continued to propose cuts of \$2 billion in guaranteed funding for local law enforcement and has completely eliminated funding to hire new officers under the Community Oriented Policing Services program (COPS). Since 2001, the Administration has also reassigned more than 1,000 FBI agents – some sources have estimated as many as 2,400 agents – from fighting crime to combating terrorism, and forced a hiring freeze at the Drug Enforcement Administration (DEA).

I have often said that keeping crime rates low is like cutting the grass. You mow your lawn and it looks great. You let it grow for a week and it starts to look a little ragged. Let it grow for a month and you've got a jungle.

We are starting to see a jungle. The FBI's recently released 2006 Uniform Crime Report taken from the front lines – statistics of more than 13,000 law enforcement agencies across our country – reveals troubling trends.

Murders are up 1.8 percent, which means there were over 17,000 murder victims in 2006. We have not seen more than 17,000 murders in a year since 1997. Violent crime more generally, which includes forcible rape, robbery and aggravated assault, rose 1.9 percent. This follows even higher increases in 2005. In a recent report citing rising crime rates, the Police Executive Research Forum called the crime problem in America “a gathering storm.”¹ Hardest hit are medium-large size towns – not just big cities.

¹ “Chief Concerns: A Gathering Storm – Violent Crime in America,” Police Executive Research Forum, (October 2006).

The 670,000 brave men and women of state and local law enforcement form our first line of defense against crime and terrorism. They go out into our nation's communities and neighborhoods every day with one purpose: to keep Americans safe. With the passage of the Violent Crime Control and Law Enforcement Act of 1994, the Federal government made a commitment to assist them in their efforts. We funded 118,000 new officers in 13,400 communities, expanded the concept of community policing from 15 percent of agencies to 83 percent in 2001, placed a strong emphasis on prevention programs, and took a hard line on violent criminals by strengthening penalties and building prisons. Through this Federal, state and local partnership we pushed crime rates from historic highs to the lowest levels in a generation. And, by making a commitment to our state and local partners, we helped create more robust police agencies nationwide – in large and small cities.

The nation witnessed the bravery of our local first responders after the horrific attacks of September 11, 2001. This national tragedy placed a spotlight on the courage that these men and women exhibit every day, but it was also a serious reminder that to ensure our safety, we must give our first responders the tools they need to do the job. In the aftermath of 9/11 we began to ask much more of our local police forces. Initially, we all committed to provide the resources necessary to protect the homeland. But from some corners, this commitment was short-lived. In fact, since 2001 Federal funding guaranteed for state and local law enforcement has been slashed by billions of dollars. In his 2006 State of the Union Address, President Bush expressed his support for local law enforcement, stating that “[w]e’ll increase funding to help states and communities train and equip our heroic police and firefighters.”² Less than a week later, he released a budget slashing Federal support. More recently, the President has threatened to veto the FY 2008 Commerce, Justice and Science appropriations bill, which increases funding for state and local law enforcement. The bottom line is that this Administration has failed to keep its commitment to state and local law enforcement and our communities are less safe as a result.

² President George W. Bush, State of the Union Address (February 2, 2006).

II. THE 1994 CRIME BILL

Just over a decade ago, we faced a national crisis with respect to violent crime. Despite the tough-on-crime rhetoric of the 1980s, the Federal government had very little impact on crime rates. Only about three percent of all crimes are investigated and prosecuted by the Federal government, and it is state and local officers, not Federal officers, that prevent crime by walking the streets of our communities. The only way to effectively address crime in our communities is consistent support for state and local law enforcement. In 1994, we made a historic commitment to do just that.

The primary component of the Violent Crime Control and Law Enforcement Act of 1994 (1994 Crime Bill) was the creation of the COPS program together with a commitment to put 100,000 new officers on the street and to expand the concept of community oriented policing. State and local law enforcement officials across the nation have praised the COPS initiative. Former Attorney General John Ashcroft called the program a “miraculous success.” One of his chief deputies testified that “it is undoubted that more police officers on the street deter more crime, and, therefore, it would lessen social cost to the local communities and our overall society.”³

The Government Accountability Office (GAO) released a report in October 2005 that concluded what many experts have known all along – the COPS program helps reduce crime.⁴ Specifically, the GAO found that “as a demonstration of whether a Federal program can affect crime rates through hiring officers and changing policing practices, the evidence indicates that COPS contributed to declines in crime above the levels of declines that would have been expected without it.”⁵ For every one dollar in COPS hiring grant expenditures per capita, there was a reduction of almost 30 index crimes per 100,000 persons.⁶ Similarly, a study by the Brookings Institute found that for

³ *Making America's Streets Safer: The Future of the COPS Program Hearing Before the Subcommittee on Crime and Drugs of the Committee on the United States Judiciary*, 107th Cong. (December 5, 2001).

⁴ GAO, COMMUNITY POLICING GRANTS: COPS GRANTS WERE A MODEST CONTRIBUTOR TO THE DECLINES IN CRIME IN THE 1990s, Report to the House Committee on the Judiciary (October 2005) (GAO-06-104) (www.gao.gov/chi-bin/getrpt?GAO-06-104).

⁵ *Id.*

⁶ *Id.*

each \$1.4 billion invested in COPS, society generates between \$6 and 12 billion in benefits to society.⁷

The results of the COPS program are clear: crime rates went down every year for eight consecutive years; violent crime was reduced by 26 percent; and the murder rate dropped by 34 percent. In just a few short years, Americans went from being afraid to go out on their streets to living in the safest neighborhoods in a generation. By giving state and local law enforcement the support they needed, we were able to improve the lives of millions of Americans.

III. DWINDLING FEDERAL RESOURCES FOR STATE AND LOCAL LAW ENFORCEMENT

The Bush Administration has forgotten the lesson we learned from the 1994 Crime Bill. During the nineties, we learned that balancing prevention measures with tough punitive measures reduced crime. In addition, we learned that robust local police departments helped our response capabilities. Despite these successes, President Bush has systematically eliminated the programs that helped to lay the foundation for low crime rates.

President Bush has cut support for state and local law enforcement every year for the past six years. According to many law enforcement experts, de-funding these programs, combined with budget deficits at the state and local level, has resulted in the elimination of successful crime prevention programs. For example, Pittsburgh, Pennsylvania has been forced to eliminate community policing programs. My home town of Wilmington, Delaware has had to reduce its Safe Streets program, which combines local officers with juvenile probation officers into teams that patrol hot spots to get dangerous juveniles off of the street. A New York Times article reported that Los Angeles, California had been forced to lay off 1,200 deputies and Cleveland, Ohio had been forced to lay off 250 officers, a 15 percent reduction in its work force.⁸ This is an

⁷ More Cops, The Brookings Institute Policy Brief #158, by Jon Donohue III and Jens Ludwig, March 2007. (http://www.brookings.edu/papers/2007/03crime_john-j--donohue-iii.aspx).

⁸ Fox Butterworth, "As Cities Struggle, Police Get By With Less," The New York Times (July 27, 2004).

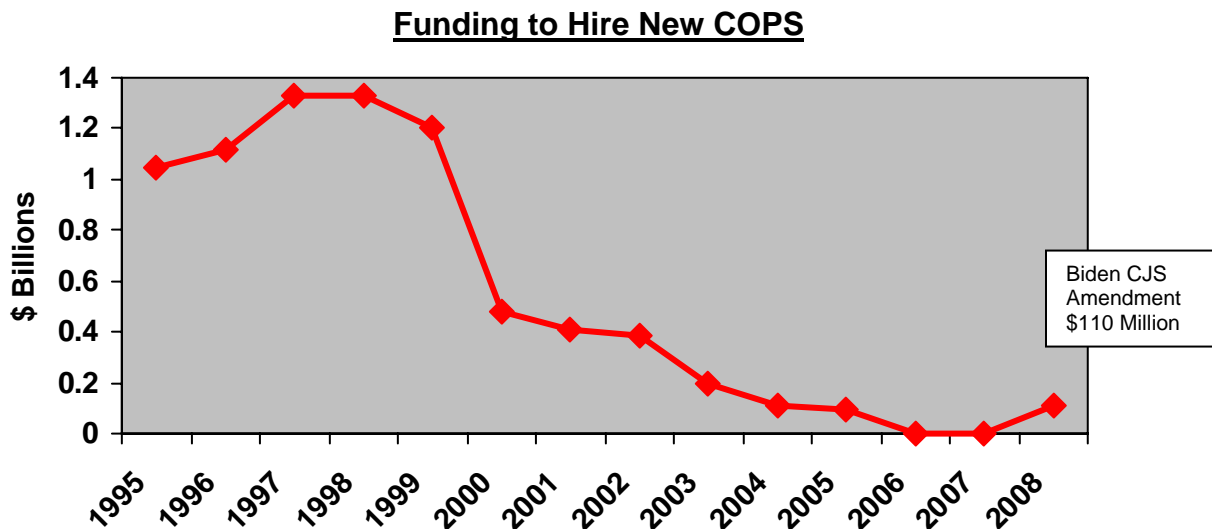
unfortunate trend throughout the nation, and, as a result, we are beginning to see troubling crime trends and increased gang activity.

In response to the latest budget request by President Bush, the President of the International Association of Chiefs of Police, Mary Ann Viverette, stated that “these cuts have the potential to cripple the capabilities of law enforcement agencies nationwide and will undoubtedly force many departments to take officers off the streets, leading to more crime and violence in our hometowns and ultimately less security for our homeland.”⁹

1. Eliminating COPS

The President’s first budget submission, in 2001, eliminated nearly all funding for hiring local officers under the COPS program. Unfortunately, this wrong-headed agenda has continued into his second term. Funding has steadily declined for Department of Justice programs designed to assist state and local law enforcement from a high of \$2.1 billion throughout the nineties to a proposed level of only \$102 million in FY 2007. During the 1990s roughly \$1 billion per year was allocated to hiring officers, and it has steadily declined and in 2006 and 2007 no funding was allocated for hiring police officers. Fortunately, we have begun to change course. The Senate recently passed my amendment to add \$110 million for hiring officers to the FY 2008 Commerce, Justice and Science appropriations bill, however, President Bush has indicated he will veto this bill.

⁹ Press Release by the International Association of Chiefs of Police (February 6, 2006) accessible at http://www.iacp.org/documents/index.cfm?fuseaction=document&document_id=788.



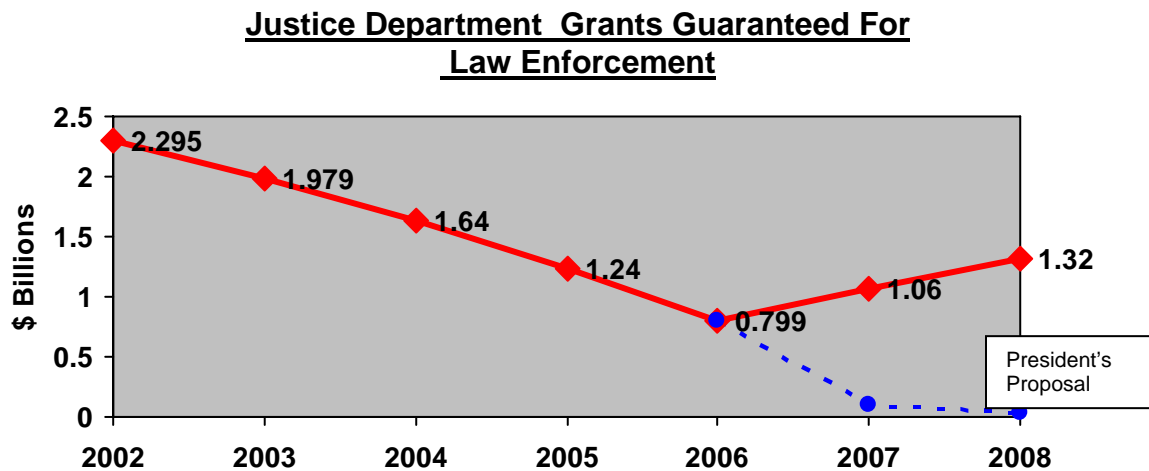
2. The Rise and Fall of the Justice Assistance Grant

Throughout the nineties, we invested roughly \$900 million per year in the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant (Byrne) and the Local Law Enforcement Block Grants (LLEBG). Although funds under these programs were distributed in different ways and for different purposes, they were available to state and local governments to improve their criminal justice systems, reduce violent crime, or reduce illegal drug use.

The Bush Administration repeatedly requested that Congress consolidate the Byrne Grants and the LLEBG into one grant program, the Edward Byrne Justice Assistance Grant (JAG). The purported rationale for the new program was to streamline the grant making process. However, some speculated that the reason for the requested consolidation was that it is easier to cut one program than two. Congress resisted this approach for several years, but in FY 2005 the JAG program was created. It was promptly cut by \$91 million. The following year, in 2006, the JAG grant was slashed in half to \$321 million. According to the National Sheriffs Association, the elimination of this grant would “severely inhibit the capabilities of our nation’s sheriffs and risks putting our communities in danger of increased crime and drug use.”¹⁰ The

¹⁰ Press Release of the National Sheriffs Association (February 8, 2006) available at www.sheriffs.org.

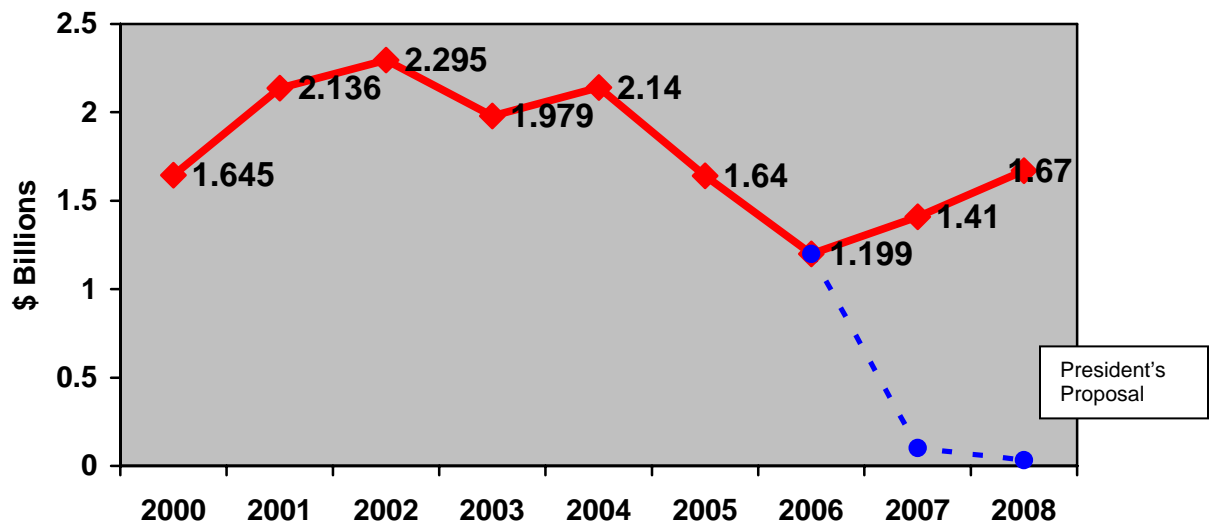
Democratic Congress has responded to law enforcements needs by increasing funding to \$519 million in 2007 and to \$660 million in 2008.



3. Funds from the Department of Homeland Security Do Not Focus on Prevention

The Bush Administration routinely argues that cuts to Department of Justice programs are compensated by grants from the Department of Homeland Security. To be sure, the Department of Homeland Security is providing roughly \$3 billion in grants for state and local purposes. However, these grants serve a wide range of uses, and only a small portion of this total has been set aside for local enforcement. In prior years, the Law Enforcement Terrorism Prevention Program (LETPP) carved out \$400 million from the state and local grants to go specifically for prevention activities – local law enforcement. The President has repeatedly called for the elimination of the LETPP, however Congress has resisted this approach and has routinely funded the LETPP at \$350 million.

**Federal DHS and DOJ Grants Guaranteed For
Law Enforcement**



IV. REDUCTIONS IN FEDERAL CRIME FIGHTING CAPABILITIES

Cuts in Federal funding for state and local law enforcement have been exacerbated by vast reductions in Federal agencies' capabilities to fight crime. As the Administration has reorganized Federal agencies to face the challenge of combating international terrorism at the expense of those agencies' ability to fight crime and protect our communities here at home.

Since September 11, 2001, the FBI has reassigned to counterterrorism units as many as 2,400 agents previously dedicated to fighting crime.¹¹ During that same period, the number of criminal prosecutions resulting from by FBI investigations has

¹¹ Paul Shukovsky, Tracy Johnson, and Daniel Lathrop, "The FBI's Terrorism Trade-Off," The Seattle Post Intelligencer (April 11, 2007).

dropped more than 30 percent, with steep drops in cases involving violent crime, organized crime, white collar and financial crime, and civil rights violations.¹²

Meanwhile, a hiring freeze at the DEA has prevented the Federal agency dedicated to investigating and prosecuting drug cartels, kingpins, and dealers from replacing positions left empty by retirements and other natural sources of workforce attrition. The real-world effect of the hiring freeze was perhaps best summarized by Karen Tandy, the Administration's own DEA Administrator, who testified that, "the impact of the freeze and the loss of these positions is expected to amount to 180-plus fewer primary drug organizations that we will be able to disrupt or dismantle, and most likely, approximately \$300 million less in revenue that we will be able to deny the traffickers."¹³

V. STEADY INCREASE IN CRIME

Not surprisingly, as Federal assistance to state and local law enforcement has been reduced by grant cuts and the Federal capability to fight crime has been reduced by reorganizations and hiring freezes, the number of gangs, drug traffickers and career criminals on those same streets has risen. Last month, the FBI released the Preliminary Uniform Crime Report for 2006—the gold standard of crime reports in our country—taken from statistics submitted by more than 13,000 law enforcement agencies all across our country. The report's findings are sobering. Murders are up 1.9 percent this year on top of last years increases, which were the largest increases in 15 years. In total, there were over 17,000 murders and non-negligent homicides in 2006. Violent crime more generally, which includes forcible rape, robbery, and aggravated assault, rose 1.9 percent. And, our suburban areas are feeling the pinch more than others – murder and violent crime increased three percent and six percent respectively in 2006 in those areas.

¹² *Id.* See also Alexandra Marks, "As FBI Fights Terrorism, Other Prosecutions Drop," The Christian Science Monitor (June 21, 2007).

¹³ Hearing on the Fiscal Year 2008 Drug Enforcement Administration Budget, 110th Cong. (Mar. 22, 2007). Testimony of Karen P. Tandy, Administrator, Drug Enforcement Administration. Retrieved Oct. 24, 2007, from Lexis-Nexis database.

In addition, the Department of Justice's National Crime Victimization Survey recently found that Americans were robbed and victimized by gun violence at greater rates than last year. Specifically, the rate of firearm violence increased between 2004 and 2005 from 1.4 to 2.0 victimizations per 1,000 people – a 43 percent increase.

The Police Executive Research Forum (PERF) has compiled crime statistics from 56 cities into a report entitled "24 Months of Alarming Trends." PERF found that in the cities surveyed homicides rose 10.21 percent and in several major metropolitan areas like Baltimore, Boston, Charleston, Charlotte, Cincinnati, Cleveland, Kansas City, and Philadelphia, the homicide rate rose more than 20 percent.¹⁴ In fact, the Report showed that homicides doubled in Alexandria, Virginia; reached a six-year high in Kansas City, Missouri; reached a 20-year high in Cincinnati, Ohio; and reached all-time highs in Orlando, Florida and Prince George County, Maryland.

Local officials polled for the PERF report attributed the rising violent crime rates to the following factors:

- A decrease in police department staffing levels;
- High recidivism;
- Retaliatory shootings (gang crimes);
- Strain on police resources related to calls for service;
- A focus on homeland security and away from pro-active law enforcement; and,
- Federal cuts in support for local law enforcement.

1. Drugs

Drugs also remain a serious problem in our country, and one that is closely associated with crime. While there has been a decline in illicit drug use among youth, new patterns of abuse are alarming. For instance, the misuse of prescription and over-

¹⁴ Police Executive Research Forum Report, "Chief Concerns: Violent Crime in America – 24 Months of Alarming Trends," available online at http://www.policeforum.org/upload/Violent%20Crime%20Report%203707_140194792_392007143035.pdf.

the-counter drugs to get high is skyrocketing. One in five teens reports having abused a prescription drug to get high, and one in ten reports having done the same with cough and cold medicines. These trends are unacceptable – and deadly. This so-called “Generation-Rx” mistakenly believes that just because these drugs are “legal” when closely monitored by a doctor, they aren’t lethal – no matter the dose. Nothing could be further from the truth. The Centers for Disease Control (CDC) recently reported that unintentional fatal drug overdoses in the United States nearly doubled from 1999 to 2004, becoming the nation's second-leading cause of accidental death, behind automobile crashes.¹⁵ This dramatic increase is largely attributable to the disturbing rise in prescription drug abuse. So while we have made some progress in curbing illegal drug use, the trends associated with the abuse of these “legal” drugs are a threat we must confront.

2. Recidivism

Finally, recidivism contributes to the crime problem, and the need for programs to help transition high-risk offenders back into our communities is greater than ever. There are over two million individuals in Federal and state prisons and millions more in local jails. Federal and state prisons will release nearly 650,000 of these offenders back into communities this year. A staggering two-thirds of released state prisoners will be rearrested for a felony or serious misdemeanor within three years of release.

These ex-offenders face a number of difficult challenges upon release. The unemployment rate among former inmates is as high as 60 percent; 15-27 percent of prisoners expect to go to homeless shelters upon release; and 57 percent of federal and 70 percent of state inmates used drugs regularly before prison. This addiction and dependency often continues during incarceration.

Unless we address these problems, these individuals will commit hundreds of thousands of serious crimes after their release, and our communities will bear both the human and economic cost. In order to reduce recidivism and crime, we must make

¹⁵ “Unintentional Poisoning Deaths—United States, 1999-2004,” (Feb. 9, 2007), available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5605a1.htm>. (Last accessed Oct. 24, 2007).

concerted, common-sense efforts now to help ex-offenders successfully reenter and reintegrate into their communities.

We know reentry programs work. The Federal Bureau of Prisons reported a 33 percent reduction in recidivism among Federal prisoners who participated in a vocational training program. In addition, studies have shown that two-thirds of ex-offenders who do not have sufficient housing upon release from prison commit crimes within a year of release, compared to just one-fourth of those who have housing upon release. Moreover, well over half of Federal and state inmates report using drugs regularly before entering prison, with some estimates as high as 84 percent. Nearly 20 percent of inmates reportedly committed their crimes to get money to buy drugs. And yet, less than half of those who are eligible actually receive drug treatment while in prison. Providing more inmates with prison-based drug treatment programs will lessen the likelihood that these inmates will commit more crimes after they are released.

The average cost of incarcerating someone in Federal prison is over \$25,000 per year, excluding the cost of arrest and prosecution, and taxpayers spend over \$60 billion annually on incarceration—more than six times the \$9 billion they spent 25 years ago. Quite simply, we cannot afford not to invest in reentry programs. This is a good example of an ounce of prevention being worth a pound of cure.

VI. GETTING BACK ON TRACK: THE CRIME CONTROL AND PREVENTION ACT OF 2007

Law enforcement faces unprecedented challenges. As anyone who has been to an airport since 9/11 knows, state and local officers are undertaking many new homeland security duties. In addition, the FBI is shifting resources to the war against terrorism and away from traditional crime investigations like bank robberies and drug trafficking.¹⁶ DEA has been suffering from a hiring freeze since August 2006 and has

¹⁶ A 2004 GAO report found that the number of FBI agents for crime and drug cases was reduced by 20% – 2,426 agents to 1,938 agents since 9/11. Referrals from the FBI during the same time for drug cases, white collar crime, and violent crime matters all decreased by 39%, 23%, and 10% respectively. GAO, FBI TRANSFORMATION: FBI Continues to Make Progress in its Efforts to Transform and Address Priorities, Testimony before the Subcommittee on Commerce, Justice, State, and the Judiciary Committee on Appropriations, U.S. Senate (March 2004) (GAO-04 578T) (<http://www.gao.gov/new.items/d04578t.pdf>).

been crippled in its ability to hire special agents and disrupt drug trafficking organizations, a known source of financing for terrorist organizations. Instead of cutting assistance to law enforcement, it is critical that we increase support for programs that to help meet the dual challengers of crime and terrorism.

Fortunately, certain programs help with both. A terrorism expert at the Brookings Institution recently stated that “before we conclude [that] a healthy sense of creativity at the CIA is our most important weapon against terrorism, we should remember the most basic tools of the trade such as strong local law enforcement agencies also are imperative.”¹⁷ The community policing model is a necessary tool for winning the war on terrorism. Local officers know their neighborhoods and are in the best position to “‘collect’ the dots that Federal agencies need to ‘connect’ to forecast the next attack.”¹⁸

Since 9/11, I have advocated the local officers’ role in the war against terrorism. We have learned that terrorist cells are active within our borders. We need boots-on-the-ground, neighborhood intelligence to discover and eliminate these cells. We must re-create the Federal, state, and local partnership that was so effective in reducing crime rates in the nineties. We can do this by ensuring that we have sufficient officers on the beat with specialized training.

In addition to supporting local law enforcement, we need to take a holistic approach to the crime problem. Any police chief will tell you that we simply can’t arrest our way out of the crime problem. Instead, we have to focus on a three prong approach of prevention, enforcement, and prisoner re-entry. The Crime Bill of 2007 will do this by updating programs that we know work, revamping programs that require improvement, and taking new steps to address today’s unique challenges.

Highlights of the bill include:

¹⁷ Michael O’Hanlan and Jack Weiss, *How Police Can Intervene*, Washington Times (August 18, 2004) (Michael O’Hanlan is a Senior Fellow at the Brookings Institution and Jack Weiss is a member of the Los Angeles City Council).

¹⁸ *Id.*

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- **Investing in youth prevention and intervention strategies**
 - The CCPA invests \$6 billion over five years to expand prevention programs with proven track records, focusing on protecting children from neglect and abuse and helping to provide them with a stable family, positive early education, and safe communities.
 - The CCPA authorizes substantial resources over the next five years to deter and prevent seriously at-risk youth from joining and remaining in illegal gangs.
 - **Reauthorizing the Office of Community Oriented Policing Services (COPS)**
 - The CCPA authorizes \$1.15 billion per year for the next six years;
 - \$600 million per year for hiring 50,000 new officers;
 - \$350 million per year for new technology and equipment; and
 - \$200 per year to hire and train community prosecutors.
 - **Adding 1,000 FBI Agents to Focus on Crime**
 - The CCPA authorizes \$160 million per year for the next four years to hire an additional 1,000 FBI field agents to fight crime.
 - **Adding 500 DEA Agents**
 - Authorizes \$630 million over three years to hire an additional 500 DEA Special Agents to dismantle and disrupt drug trafficking organizations.
 - **Preventing Recidivism**
 - Authorizes \$391.5 million for prison-based reentry programs (such as drug treatment programs, educational and vocational programs, and mentoring services) to ensure that ex-offenders obtain the tools they need while they are in prison to become productive citizens upon release.
 - **Establishing a national commission on crime intervention and prevention strategies.**
 - This commission will be a central source to identify intervention and prevention programs that are most ready for replication around the country and provide resources and guidance in a direct and accessible format to state and local law enforcement on how to implement those strategies.
 - **Combating Illegal Gangs**
 - The CCPA amends the Federal criminal code to define and expand prohibitions and penalties against criminal street gangs.
 - **Protecting our Nation's Children from on-line predators**
 - The CCPA will congressionally establish the Internet Crimes Against Children Task Force program to ensure that each state has a specialized unit to focus on child exploitation issues. Recent analysis indicates that

law enforcement is investigation only 2 percent of known child exploitation cases due to lack of resources.

- **Combating Prescription and Over-the-Counter Drug Abuse**
 - The bill will tackle the rising problem of prescription and over-the-counter drug use by restoring critical funding for prevention and treatment, authorizing millions in new grant programs that are tailored to emerging drug threats, and shutting down rogue, online Internet pharmacies that distill dangerous controlled substances without a valid prescription.

VII. CONCLUSION

The safety of our neighborhoods is a national priority. It shouldn't matter whether the threat comes from international terrorists or the thug down the street. We owe it to the American people to tackle both problems with the same vigor and commitment. The challenge may be daunting, but make no mistake about it, we can do it. In the early 1990s, many thought there was little we could do to reduce the gang murders and the random attacks that were reported in the news every evening. At that time, we put our faith in and resources behind local law enforcement. We passed legislation that created a Federal, state and local partnership to combat violent crime. We took a holistic approach by focusing on prevention and enforcement. It worked, and we helped make America a safer place.

Today, we face different challenges to our security, but I believe that, once again, the solution lies with our state and local partners. We must reaffirm our commitment to our state and local law enforcement; we must provide the Federal resources they need to do the enforcement, prevention, and prisoner re-entry that is essential to our nation's well-being. The 2007 Biden Crime Control and Prevention Bill will help us take those next steps.